

**REMARKS**

Claims 25, 27, 29, and 31 stand rejected under 35 U.S.C. §102(a) as being anticipated by the French patent to Conchy (FR 2,817,463).<sup>1</sup>

Claim 25 has been amended to now incorporate the subject matter of objected to dependent claim 28. The claim now includes that the first and second receiving ramps are angled different amounts relative to the second side. For at least this reason, independent claim 25 and dependent claims 27, 29, and 31 are not anticipated by Conchy.

Claim 25 has also been amended to delete that a longitudinal axis extends through the ends of the member and through the ramps.

Dependent claim 28 has been canceled as a result of the amendment to independent claim 25.

Claims 32, 37, 38, and 46 stand rejected under 35 U.S.C. §103(a) as being obvious over Conchy in view of Brantigan (U.S. Pat. 4,878,915).<sup>2</sup>

Claim 32 has been amended to now incorporate the subject matter of objected to dependent claim 33. The claim now includes that the delivery device is pivotally attached to at least one of the first and second members to adjust the angle of the first and second members relative to the delivery device. For at least this reason, independent claim 32 is not made obvious by Conchy and Brantigan.

Claim 32 has also been amended to delete that a longitudinal axis extends through the ends of the member and through the ramps.

Claim 33 has been canceled as a result of the amendment to independent claim 32.

Claim 34 has been amended and is now dependent on the subject matter of claim 32; claim 34 has also been amended to account for a grammatical error in line 3.

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<sup>1</sup> Applicant notes that the analysis and discussion of Conchy is based on the U.S. equivalent of the cited French patent – U.S. Pat. App. Pub. No. 2005/0107878.

<sup>2</sup> The Office Action mistakenly identifies Brantigan as U.S. Pat. No. 4,787,915.

Claim 37 has been amended to now incorporate the basic concepts of objected to dependent claim 40. The claim now includes that the first shaft comprises outwardly extending extensions that mount within apertures in the spacer. For at least this reason, independent claim 37 and dependent claim 38 are not made obvious by Conchy and Brantigan.

Claim 37 has also been amended to delete that the spacer has a greater length and height in the open orientation than in the closed orientation.

Claim 40 has been canceled as a result of the amendment to independent claim 37.

Claim 41 has been amended and is now dependent on the subject matter of claim 37.

Claims 46-61 have been canceled.

In view of the above amendments and remarks, the Applicant submits the present application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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